

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY,)	
)	
Approval of the Energy Efficiency and)	Docket No. 07-0540
Demand-Response Plan Pursuant to Section 12-103(f) of)	
the Public Utilities Act)	

JOINT RESPONSE TO APPLICATION FOR REHEARING

The People of the State of Illinois, by and through Attorney General Lisa Madigan, the Citizens Utility Board, the City of Chicago, the Environment Illinois Research and Education Center, the Environmental Law and Policy Center and the Natural Resources Defense Council (collectively, “Respondents”) hereby respond to the Application for Rehearing filed by Staff and Commonwealth Edison Company (“ComEd”) (collectively, “Applicants”) in the above-captioned docket. Applicants seek rehearing on a section of the Illinois Commerce Commission’s (“ICC”) final Order (“Order”) relating to the “independent evaluation” required by section 5/12-103(f)(7) of the Public Utilities Act (the “Act”) (220 ILCS 5/12-103(f)(7)). Staff-ComEd Application at 1-2. An independent evaluator must be retained to evaluate the cost-effectiveness of energy-efficiency and demand-response programs required under section 5/12-103 of the Act (220 ILCS 5/12-103).

Respondents take no position on the factual and legal issues raised in Applicants’ filing.¹ However, Respondents support Applicants’ efforts to eliminate possible delays in

¹ Respondents take no position with respect to the legal arguments raised by the Applicants, but reserve the right to take any position with respect to section 5/12-103(f)(7) in any future proceeding.

the hiring of the independent evaluator. Any such delays could jeopardize implementation of the energy efficiency programs mandated by Section 5/12-103, 220 ILCS 5/12-103.

Respondents and Applicants, in conjunction with the Stakeholder Advisory Group², have reached consensus on a process that could be used to expedite the hiring of an independent evaluator, should the Commission grant Applicants' request for rehearing. This process ensures Commission control over the independent evaluator – while avoiding delays that could occur if the evaluator were to be retained directly by the Commission. The Stakeholders support a process through which ComEd would:

- (1) develop, with stakeholder input, a Request for Proposals to solicit bids for an independent evaluator;
- (2) file the Request for Proposals as a compliance filing in this docket;
- (3) select, with stakeholder input, a independent evaluator;
- (4) submit, as a compliance filing, a contract between ComEd and an evaluator selected from the firms that responded to the Request for Proposals, provided any such contract expressly provides that the Commission has the right to: (a) approve or reject the contract; (b) to direct the utility to terminate the evaluator if the Commission determines that the evaluator is unable or unwilling to provide an independent evaluation; and (c) approve any action by the utility that would result in termination of the evaluator throughout the term of the contract.

The Respondents believe that a process of this type would be consistent with the relief requested in Applicants' rehearing request and would avoid possible delays that could jeopardize effective implementation of ComEd's efficiency plan.

² The Order states that ComEd "should establish a stakeholder process to review ComEd's progress towards achieving the required energy efficiency and demand response goals and to continue strengthening the portfolio." Order, at 32.

WHEREFORE, Respondents respectfully request that the Commission grant the relief requested in the Staff and ComEd Application for Rehearing.

Respectfully Submitted,

LISA MADIGAN,
ATTORNEY GENERAL OF THE STATE OF ILLINOIS

By: _____/s/_____

Susan Hedman
Senior Assistant Attorney General

Kristin Munsch
Assistant Attorney General

Office of the Illinois Attorney General
100 W. Randolph St., 11th Floor
Chicago, Illinois 60601
Telephone: (312) 814-4947
Emails: shedman@atg.state.il.us
kmunsch@atg.state.il.us

CITIZENS UTILITY BOARD

By: _____/s/_____

Anne McKibbin
208 S. LaSalle St., Ste. 1760
Chicago, IL 60604
Telephone: (312) 263-4282
Email: amckibbin@citizensutilityboard.org

CITY OF CHICAGO
MARA S. GEORGES, CORPORATION COUNSEL

By: _____/s/_____

Ronal D. Jolly
Senior Counsel
30 N. LaSalle St., Ste. 900
Chicago, IL 60602
Telephone: (312) 744-6929
Email: rjolly@cityofchicago.org

ENVIRONMENT ILLINOIS RESEARCH AND
EDUCATION CENTER

By: _____/s/_____

Brian Granahan
Staff Attorney
407 S. Dearborn, Ste. 701
Chicago, IL 60605
Telephone: (312) 291-0696
Email: bgranahan@environmentillinois.org

ENVIRONMENTAL LAW AND POLICY CENTER

By: _____/s/_____

Robert Kelter
35 E. Wacker Dr., Ste. 1300
Chicago, IL 60601
Telephone: (312) 795-3734
Email: rkelter@elpc.org

NATURAL RESOURCES DEFENSE COUNCIL

By: _____/s/_____

Henry Henderson
Director, Midwest Program
101 N. Wacker Dr., Ste. 609
Chicago, IL 60606
Telephone: (312) 780-3702
Email: hhenderson@nrdc.org

March 17, 2008

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY,)	
)	
Approval of the Energy Efficiency and)	Docket No. 07-0540
Demand-Response Plan Pursuant to Section 12-103(f) of)	
the Public Utilities Act)	

NOTICE OF FILING

TO: Attached Service List via Email

Please take note that on March 17, 2008, I submitted the attached ***Joint Response to Application for Rehearing***, on behalf of the People of the State of Illinois, the Citizens Utility Board, the City of Chicago, Environment Illinois, the Environmental Law and Policy Center, and the Natural Resources Defense Council for filing in the above-captioned proceeding via e-Docket with the Chief Clerk of the Illinois Commerce Commission at 527 East Capitol Avenue, Springfield, Illinois, 62701.

Dated:	March 17, 2008	Kristin Munsch
		Assistant Attorney General
		Illinois Attorney General's Office

CERTIFICATE OF SERVICE

I, Kristin Munsch, hereby certify that the foregoing document, together with this Notice of Filing and Certificate of Service, were sent to all parties of record listed on the attached service list by e-mail on March 17, 2008. Paper copies will be provided upon request.

Kristin Munsch
Assistant Attorney General
Illinois Attorney General's Office
100 W. Randolph St., 11th Floor
Chicago, Illinois 60601
Telephone: (312) 814-8412
Facsimile: (312) 814-3212
E-mail: kmunsch@atg.state.il.us

SERVICE LIST FOR ICC DOCKET NO. 07-0540

Allan V. Abinoja
Asst. Attorney General
General Law Bureau
Attorney General's Office
100 W. Randolph St., 13th Fl.
Chicago, IL 60601

Ann Alexander
Senior Attorney
Natural Resources Defense Council
101 N. Wacker Dr., Ste. 609
Chicago, IL 60606

Darryl Bradford
Vice President
Commonwealth Edison Company
PO Box 805379
Chicago, IL 60680-5379

Jon M. Casadont
BlueStar Energy Services, Inc.
363 W. Erie St., Ste. 700
Chicago, IL 60610

Scott H. DeBroff
Atty. for ConsumerPowerline
Smiegel Anderson & Sacks
4431 N. Front St., 3rd Fl.
Harrisburg, PA 17110

Jay H. Dillavou
MidAmerican Energy Company
PO Box 657
666 Grand Ave.
Des Moines, IA 50303

Joseph E. Donovan
Atty. for Coalition of Energy Suppliers
DLA Piper US LLP
203 N. LaSalle St., Ste. 1900
Chicago, IL 60101-1293

Jessica R. Falk
Citizens Utility Board
208 S. LaSalle St., Ste. 1760
Chicago, IL 60604-1003

John Feeley
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle, Ste. C-800
Chicago, IL 60601

David I. Fein
Vice President
Energy Policy - Midwest/MISO
Constellation NewEnergy, Inc.
550 W. Washington Blvd., Ste. 300
Chicago, IL 60661

Shannon Fisk
Natural Resource Defense Council
101 N. Wacker Dr., Ste. 609
Chicago, IL 60606

Cynthia A. Fonner
Senior Counsel
Constellation Energy Group, Inc.
550 W. Washington St., Ste. 300
Chicago, IL 60661

Carmen Fosco
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104

John Gomoll
Coalition of Energy Suppliers
1111 W. 22nd St., 8th Fl.
Oak Brook, IL 60523

Brian P. Granahan
Environment Illinois Research & Education
Center
407 S. Dearborn, Ste. 701
Chicago, IL 60605

Gary M. Griffin
Asst. Attorney General
General Law Bureau
Attorney General's Office
100 W. Randolph St., 13th Fl.
Chicago, IL 60601

Michael Haugh
Integrus Energy Services, Inc.
300 W. Wilson Bridge Rd., Ste. 350
Worthington, OH 43085

Arshia Javaherian
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601

Mark R. Johnson
Atty. for Commonwealth Edison Company
Sidley Austin LLP
One S. Dearborn St.
Chicago, IL 60603

Douglas E. Kimbrel
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601

Charles Kubert
Environmental Law & Policy Center
35 E. Wacker Dr., Ste. 1300
Chicago, IL 60601

Matthew R. Lyon
Atty. for Commonwealth Edison Company
Sidley Austin LLP
One S. Dearborn St.
Chicago, IL 60603

Barry Matchett
Environmental Law & Policy Center
35 E. Wacker Dr., Ste. 1300
Chicago, IL 60601

Carla S. Meiners
MidAmerican Energy Company
PO Box 657
666 Grand Ave.
Des Moines, IA 50303-0657

Michael A. Munson
Law Office of Michael A. Munson
123 North Wacker Drive
Suite 1800
Chicago, IL 60606

Vu Nguyen
MidAmerican Energy Company
PO Box 657
666 Grand Ave.
Des Moines, IA 50303

Michael S. Pabian
Atty. for Commonwealth Edison Company
10 S. Dearborn St., 49th FL
Chicago, IL 60603

Doug Paulin
BlueStar Energy Services, Inc.
363 W. Erie St., Ste. 700
Chicago, IL 60610

J. Mark Powell
Assistant Corporation Counsel
Department of Law
City of Chicago
30 N. LaSalle, Ste. 900
Chicago, IL 60602-2580

Erica Randall
Paralegal
Office of the Illinois Attorney General
100 W. Randolph St., 11th Fl.
Chicago, IL 60601

Conrad Reddick
Atty. for IIEC
1015 Crest
Wheaton, IL 60187-6271

Eric Robertson
Atty. for IIEC
Lueders, Robertson, Konzen
1939 Delmar Ave.
P.O. Box 735
Granite City, IL 62040

Ryan Robertson
Atty. for IIEC
Lueders Robertson & Konzen
PO Box 735
1939 Delmar Ave.
Granite City, IL 62040

Stephen J. Romeo
Atty. for ConsumerPowerline
Smigel Anderson & Sacks
4431 N. Front St.
Harrisburg, PA 17110

Claudia Sainsot
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104

Christopher N. Skey
Atty. for Coalition of Energy Suppliers
DLA Piper US LLP
203 N. LaSalle Street, Suite 1900
Chicago, IL 60601-1293

Julie Soderna
Director of Litigation
Citizens Utility Board
208 S. LaSalle St., Ste. 1760
Chicago, IL 60604

Christopher C. Thomas
Sr. Policy Analyst
Citizens Utility Board
208 S. LaSalle, Ste. 1760
Chicago, IL 60604

Christopher J. Townsend
Atty. for Coalition of Energy Suppliers
DLA Piper US LLP
203 N. LaSalle St., Ste. 1500
Chicago, IL 60601-1293

Jennifer Witt
Integrus Energy Services, Inc.
500 W. Madison St., Ste. 3300
Chicago, IL 60661